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August 23, 2016

VIA ECF

Honorable Ann M. Donnelly
United States District Court-EDNY
225 Cadman Plaza East
Brooklyn, NY 11201

RE: *Chicago Title Insurance Company v. Harold Tischler*,
Docket No. 16-Civ. 04113 (AMD)

Dear Judge Donnelly:

This office represents Appellee Chicago Title Insurance Company (“Chicago Title”) in the above referenced action and writes pursuant to the Court’s individual practice rule 3(A) to request a pre-motion conference prior to filing a motion, pursuant to FRBP 8013, to dismiss the appeal filed by Appellant Harold Tischler (“Tischler”).

Tischler’s appeal must be dismissed for two reasons.

First, Tischler is appealing the denial of his motion for judgment on the pleadings in the pending adversary proceeding filed by Chicago Title. Adv. Pro. Doc. No. 23 (the “Interlocutory Order”). The Interlocutory Order is not a final judgment or decree or an order or decree issued under 11 U.S.C. § 1121(d). In addition, Tischler has neither sought nor received leave of the bankruptcy court to file the instant appeal. As such the Interlocutory Order is not an appealable order pursuant to 28 U.S.C. § 158 and the appeal must be dismissed.

Second, Tischler has failed to timely file a designation of the items to be included in the record on appeal and a statement of the issues to be presented as required by FRBP 8009. Tischler’s notice of appeal was filed on August 8, 2016 and his designation of the record and statement of issues to be presented was required to be filed within 14 days of that filing, which is August 22, 2016. Tischler has failed to make the required filing and accordingly the appeal must be dismissed.

Based upon the foregoing, Chicago Title respectfully requests a pre-motion conference. In the alternative, Chicago Title respectfully requests that this letter be treated as its motion to

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dismiss the appeal and asks that the Court set a briefing schedule for Tischler's opposition and Chicago Title's reply papers.

Thank you for your attention to this matter.

Respectfully submitted,



Brian S. Tretter

cc: Yitzchok Kotkes, Esq. (*via ECF*)